

## Message Text

LIMITED OFFICIAL USE

PAGE 01 TUNIS 06615 251651Z

67

ACTION SMI-01

INFO OCT-01 NEA-06 ISO-00 OES-02 RSC-01 /011 W

----- 124458

R 251620Z OCT 74

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC 7225

LIMITED OFFICIAL USE TUNIS 6615

NEA/AFN PASS WYMBERLEY COERR OF SMITHSONIAN INSTITUTION  
FROM AMBASSADOR

E.O. 11652: N/A

TAGS: OSCI, TS

SUBJECT: TERMINATION OF SMI SUPPORT OF MEDITERRANEAN  
MARINE SORTING CENTER (MMSC)

REF: YOUR LETTER OF OCTOBER 1 RECEIVED OCTOBER 11

1. FOLLOWING DISCUSSIONS IN THE EMBASSY AND WITH DIRECTOR MENEZ OF MMSC AND INVESTIGATION OF TUNISIAN LABOR LAW, WE BELIEVE THAT PAYMENT OF SEVERANCE PAY TO MMSC EMPLOYEES IS PROBABLY UNAVOIDABLE AND THAT ATTEMPT TO AVOID PAYMENT WOULD BE UNWISE. WHATEVER CONTRACTS MAY OR MAY NOT SAY, SEVERANCE PAY IS PROVIDED FOR UNDER TUNISIAN LABOR LAW, AND IS A CUSTOMARY PART OF THE SCENERY. MMSC EMPLOYEES IN FACT ARE CLEARLY ATTACHING GREAT IMPORTANCE TO THESE PAYMENTS AND GIVE EVERY INDICATION OF BEING PREPARED TO RESORT TO LEGAL ACTION AS WELL AS TO APPEALS TO HIGH POLITICAL FIGURES IN ORDER OBTAIN SATISFACTION. SINCE MMSC DOES NOT ENJOY EXEMPTION FROM LEGAL ACTION, THERE WOULD BE NOTHING TO PREVENT EMPLOYEES FROM TAKING MATTER TO COURT AND SHOULD THEY DO SO, WE THINK THERE EVERY LIKELIHOOD THAT SPECIFIC EXEMPTION OF SEVERANCE PAY IN MMSC SERVICE CONTRACTS WHICH HAVE BEEN REGULARLY RENEWED WOULD BE DEEMED CONTRARY TO TUNISIAN LABOR CODE.

2. PROTRACTED LEGAL BATTLE, REGARDLESS OF OUTCOME, (AND MMSC WOULD  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 TUNIS 06615 251651Z

NO DOUBT LOSE) COULD LEAVE RESIDUE OF ILL WILL AGAINST SMITHSONIAN AND

COULD CONSIDERABLY JEOPARDIZE EXISTING AND POSSIBLE FUTURE SMI RESEARCH PROJECTS IN TUNISIA. IT COULD ALSO INCLUDE ACTION AGAINST ASSETS OF SMI AND SMI PERSONNEL IN TUNISIA. FINALLY, IT WOULD ALMOST CERTAINLY DAMAGE THE AMERICAN IMAGE HERE, OURS AS WELL AS YOURS. IN SHORT, CONTRACT OR NO CONTRACT, MMSC PERSONNEL IN OUR JUDGMENT WILL EXPECT SEVERANCE PAY AND MAY VERY WELL BE PREPARED TO TAKE LEGAL AND POLITICAL ACTION IF IT IS NOT FORTHCOMING.

3. IDEALLY, WE WOULD HOPE THAT SMI COULD CONTINUE OFFER EMPLOYMENT TO ITS TUNISIAN STAFF THROUGH JUNE 30, 1975, WITH FULL PAYMENT OF SEVERANCE PAY FOR EACH OF THESE AND OTHER EMPLOYEES SEPARATING EARLIER BASED UPON U.S. EMBASSY FSL STANDARD WHICH IS ONLY SLIGHTLY MORE GENEROUS THAN THAT PROVIDED UNDER TUNISIAN LABOR CODE. WE NOTE THAT THREE EXPENSIVE CONTRACTS WILL NOT BE RENEWED AFTER DECEMBER 30 AND THAT ONE EMPLOYEES MAY LEAVE EARLY IN ORDER OBTAIN OTHER EMPLOYMENT ONCE THEY ARE ASSURED OF PAYMENT OF SEVERANCE PAY. THIS MAY RESULT IN SUFFICIENT SAVINGS TO PERMIT SEVERANCE PAYMENTS OUT OF CURRENT YEAR MMSC BUDGET.

4. IF FUNDS NOT ADEQUATE FOR THIS PURPOSE, HOWEVER, I RECOMMEND THAT ALL EMPLOYEES BE TERMINATED WITH SEVERANCE PAY AS OF A SINGLE DEFINITE DATE IN 1979 (SAY APRIL 15). SMI CAN EXPLAIN THAT WHILE SEVERANCE PAY NOT LEGALLY REQUIRED BY TERMS OF CONTRACT, GESTURE BEING MADE TO FACILITATE TRANSITION AND TO HELP EMPLOYEES.

5. WE BELIEVE IT IS IMPORTANT THAT GOT AND EMPLOYEES BE NOTIFIED OF WHATEVER DECISION IS REACHED AS SOON AS POSSIBLE IN ORDER PERMIT ORDERLY PLANNING FOR FUTURE. ALTHOUGH NO OFFICIAL DECISIONS HAVE YET BEEN COMMUNICATED TO EMBASSY OR MMSC, WE HEAR THAT GOT IS IN FACT CONTEMPLATING CONTINUATION OF MMSC, PROBABLY AS A PART OF INSTOP. IN ORDER FURTHER THIS DECISION, GOT WILL HAVE TO MAKE BUDGETARY PROVISIONS FOR CONTINUATION OF SALARIES OF MMSC PERSONNEL, PURCHASE OF ADDITIONAL EQUIPMENT, AND SUITABLE BUILDING FOR MMSC FACILITIES AFTER TERMINATION BY SMI. GOT NEEDS TO KNOW TERMINATION DATE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 TUNIS 06615 251651Z

6. WE ARE ENCOURAGED BY THESE INDICATIONS THAT TUNISIAN OFFICIALS AT LEAST AT WORKING LEVEL APPEAR TO BE INVESTIGATING VARIOUS POSSIBILITIES OF CONTINUING MMSC UNDER GOT AUSPICES, AND WE HOPE, THEREFORE, THAT DR. HIGGINS DURING UPCOMING VISIT WILL BE ABLE GIVE GOT SOME GOOD NEWS RE HIS PROMISED EFFORTS DETERMINE POSSIBLE INTEREST BY U.S. OR INTERNATIONAL BODIES IN HELPING SUPPORT MMSC AFTER TERMINATION SMI SUPPORT.

WE ALSO HOPE HE MAY BE ABLE ELICIT FROM GOT FORMAL INDICATION  
OF ITS INTENTIONS RE MMSC.

7. MENEZ HAS SEEN AND CONCURS WITH THIS TELEGRAM.  
SEELYE

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 OCT 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** shawdg  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974TUNIS06615  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740306-0466  
**From:** TUNIS  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t19741014/aaaaaalla.tel  
**Line Count:** 120  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION SMI  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** YOUR LETTER OF OCTOBER 1 RECEIVED OC, TOBER 11  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** shawdg  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 26 AUG 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <26 AUG 2002 by boyleja>; APPROVED <06 MAR 2003 by shawdg>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TERMINATION OF SMI SUPPORT OF MEDITERRANEAN MARINE SORTING CENTER (MMSC)  
**TAGS:** OSCI, TS  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005